

MARK D. FOWLER, Bar No. 124235  
[mark.fowler@dlapiper.com](mailto:mark.fowler@dlapiper.com)  
CLAYTON THOMPSON (Admitted Pro Hac Vice)  
[clayton.thompson@dlapiper.com](mailto:clayton.thompson@dlapiper.com)  
DAVID ALBERTI, Bar No. 220625  
[david.alberti@dlapiper.com](mailto:david.alberti@dlapiper.com)  
CHRISTINE K. CORBETT, Bar No. 209128  
[christine.corbett@dlapiper.com](mailto:christine.corbett@dlapiper.com)  
YAKOV M. ZOLOTOREV, Bar No. 224260  
[yakov.zolotorev@dlapiper.com](mailto:yakov.zolotorev@dlapiper.com)  
CARRIE L. WILLIAMSON, Bar No. 230873  
[carrie.williamson@dlapiper.com](mailto:carrie.williamson@dlapiper.com)

DLA PIPER LLP (US)  
2000 University Avenue  
East Palo Alto, CA 94303-2214  
Tel: 650.833.2000  
Fax: 650.833.2001

Attorneys for Plaintiff and Counterdefendant  
Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

SUN MICROSYSTEMS, INC.,  
Plaintiff-Counterdefendant  
v.  
NETWORK APPLIANCE, INC.,  
Defendant-Counterclaimant

CASE NO. C-08-01641 EDL

~~PROPOSED~~ ADDENDUM TO  
PROTECTIVE ORDER

Plaintiff-Counterdefendant Oracle America, Inc. (formerly Sun Microsystems, Inc.) and Defendant-Counterplaintiff NetApp, Inc. ("NetApp"), by and through their respective counsel, hereby stipulate that the Protective Order entered by the Court on June 25, 2008 in this action shall be amended as follows:

(1) The last sentence of Paragraph 11(d) which states: "These copies shall be stored in a manner that prevents duplication of or unauthorized access to the source code, including, without limitation, storing the source code in a locked room or cabinet at all times when it is not

in use, and shall be returned to the Producing Party at the conclusion of this action” shall be changed to “These copies shall be stored in a manner that prevents duplication of or unauthorized access to the source code, including, without limitation, storing the source code in a locked room or cabinet at all times when it is not in use, and shall be destroyed by the Receiving Party at the conclusion of this action and the Receiving Party shall so certify this destruction.”

(2) The last two sentences of Paragraph 26 which state: “Notwithstanding this provision, counsel for the party or parties are entitled to retain an archival copy of all pleadings, motion papers, transcripts, legal memoranda, correspondence or attorney work product, even if such materials contain Protected Material. Any such archival copies that contain or constitute Protected Material remain subject to the Protective Order.” shall be deleted.

IT IS SO STIPULATED.

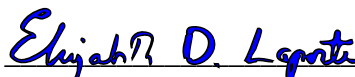
Dated: September 10, 2010

Dated: September 10, 2010

By /s/ Christine K. Corbett  
 MARK D. FOWLER  
 CLAYTON THOMPSON  
 DAVID ALBERTI  
 CHRISTINE K. CORBETT  
 CARRIE L. WILLIAMSON  
 Attorneys for Plaintiff and  
 Counterdefendant, Oracle America, Inc.

By /s/ Jeffrey G. Homrig  
 MATT POWERS  
 EDWARD R. REINES  
 JEFFREY G. HOMRIG  
 JILL J. HO  
 WEIL, GOTSHAL & MANGES LLP  
 Attorneys for Defendant and  
 Counterplaintiff, NetApp, Inc.

So ORDERED AND SIGNED this 15th day of September, 2010.



Honorable Elizabeth D. Laporte  
 United States Magistrate Judge